

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CARLTON BLEAU

v.

C.A. NO. 10-156 S

STATE OF RHODE ISLAND

REPORT AND RECOMMENDATION

Pro se petitioner, Carlton Bleau ("Petitioner"), an inmate at the Adult Correctional Institutions ("ACI") in Cranston, Rhode Island, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on or about March 31, 2010 (Dckt. # 1), and an amended petition on or about April 19, 2010 (Dckt. # 10). He paid the filing fee in this action on April 2, 2010.

A review of the Court records, however, reveals that Petitioner has previously sought to file a petition for writ of habeas corpus in this Court, and an action regarding the same was opened under case No. C.A. 10-103ML (the "First Habeas Action") on or about March 5, 2010. Further, it appears that the filings docketed in this action were intended to be filed in the First Habeas Action. Therefore, I recommend that: (i) the filing fee docketed in the instant action be transferred and credited to the First Habeas Action; (ii) the Amended Petition for Writ of Habeas Corpus (Docket # 10 in this action) be docketed as filed in the First Habeas Action; and (iii) the instant action be DISMISSED as duplicative.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen days of its receipt. Fed.R.Civ.P. 72(b). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
April 27, 2010